

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
No. 4:93-CR-40-2H

UNITED STATES OF AMERICA)
)
 v.) ORDER
)
TERVEUS HYPPOLITE,)
)
Defendant.)

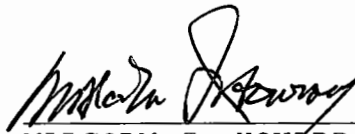
This matter is before the court on defendant's motion to correct errors in his presentence report and defendant's motion to take judicial notice regarding certain amendments to the guidelines.

The court finds defendant's motion to take judicial notice [DE #28] is, in reality, a motion for reconsideration of this court's February 23, 2016, order denying his 18 U.S.C. § 3582(c)(2) motion for reduction of sentence based on the retroactive crack cocaine guideline amendment as well as this court's order of April 14, 2016, denying his motion to reconsider. The court has carefully considered defendant's motion, as well as the record in this matter, and finds no reason to alter or amend its order. Therefore, the court DENIES defendant's motion [DE #28].

Defendant's motion to correct errors argues that defendant is misidentified as a non-citizen in his presentence report and wants this information corrected because defendant is seeking to have his sentence commuted by the President of the United States. The

court notes defendant refused to be interviewed by the Probation Officer prior to sentencing or to provide information regarding his identity at that time. Furthermore, even if this matter were properly before the court, the documents attached to his motion do not prove defendant's identity or his status as a U.S. citizen. Therefore, the motion [DE #26] is also denied.

This 21st day of August 2017.



MALCOLM J. HOWARD

Senior United States District Judge

At Greenville, NC
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